

### REMARKS

Claims 1-3 were examined. Claim 1 has been amended above and claims 2-3 have been canceled. New claims 4-9 have been added. Claims 1 and 8 are independent claims. Accordingly, claims 1 and 4-9 are present in the case.

Claims 4-5 are supported in the specification, for example, on pages 7-8 and elsewhere. Claims 6-7 are supported, for example, on page 11 and elsewhere. Claims 8-9 are supported, for example, on page 41 and elsewhere. No new matter has been added.

### Claim Rejections

Original claims 1-3 were rejected as allegedly being anticipated by Stam et al. (US Pub. 2003/0123706). Claims 2-3 have been canceled, with the features thereof having been incorporated into claim 1. The rejection is therefore moot with respect to claims 2-3 and is respectfully traversed with respect to claim 1.

As amended, claim 1 calls for a positioning lamp, at a lower current level, to be turned on when the vehicle is stopped if the brightness around the vehicle is higher than a predetermined level. It is urged that Stam et al. does not describe or suggest this combination of features and therefore does not anticipate claim 1, nor would the claim have been obvious over Stam et al. to one of ordinary skill in the art at the time the invention was made. Claim 1 is therefore allowable over Stam et al. for at least these reasons. Claims 4-7 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons.

Claim 8 calls for the current controlling unit to select a portion of the plurality of semiconductor light emitting elements and to block the current flowing through those elements if the brightness around the vehicle is higher than a predetermined level. Again, it is urged that Stam et al. does not describe or suggest this combination of features and therefore does not anticipate claim 8, nor would the claim have been obvious over Stam et al. to one of ordinary skill in the art at the time the invention was made. Claim 8 is therefore allowable over Stam et al. for at least these reasons. Claim 9 depends from claim 8 and is therefore allowable for at least the same reasons.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

#### **Priority Claim**

It is noted that neither the Office Action Summary sheet nor the Detailed Action has acknowledged that applicant's claim for foreign priority had been made and that a certified copy of the priority document had been received in the Office on March 10, 2004. The Examiner is kindly requested to do so in the next communication.

#### **Conclusion**

Claims 1 and 4-9 are urged to be allowable for the reasons provided. Prompt issuance of a notice of allowance is proper and is urged.

Please apply any charges or credits in connection with this paper to deposit account 06-1050.

Applicant : Hitoshi Takeda et al.  
Serial No. : 10/797,497  
Filed : March 10, 2004  
Page : 6 of 6

Attorney's Docket No.: 17268-004001 / KT-0031US

Respectfully submitted,

Date: 8/18/2005

Richard P. Ferrara

Richard P. Ferrara  
Reg. No. 30,632

Fish & Richardson P.C.  
Citigroup Center  
52nd Floor  
153 East 53rd Street  
New York, New York 10022-4611  
Telephone: (212) 765-5070  
Facsimile: (212) 258-2291